

TITLE 5. COMMUNITY AFFAIRS
CHAPTER 23. UNIFORM CONSTRUCTION CODE
SUBCHAPTER 2. ADMINISTRATION AND ENFORCEMENT; PROCESS

N.J.A.C. 5:23-2

- i. Any work done on a facility that would result in a change of use of a building or part of a building;
 - ii. New buildings and additions regardless of size;
 - iii. Renovation, alteration or reconstruction work completed between inspection periods in an area in excess of 5,000 square feet per building;
 - iv. Any work done on a facility that would result in an increase to the area of a building;
 - v. The installation or alteration of a sprinkler system;
 - vi. Any work that affects the required means of egress;
 - vii. Any modification work, other than routine maintenance, that affects life safety systems, such as, but not limited to:
 - (1) Emergency lighting systems;
 - (2) Smoke and heat detection systems;
 - (3) Stand-by generator systems;
 - (4) Emergency smoke evacuation systems.
 - viii. Any work which would disturb asbestos and require a permit to perform.
- (f) Construction requirements for commercial farm buildings shall be as set forth in *N.J.A.C. 5:23-3.2(d)*.
- (g) No person shall construct, enlarge, alter, reconstruct, or demolish a retaining wall or series of retaining walls having a total height four feet or greater, or a retaining wall less than four feet having a negative impact on a foundation, without first obtaining a construction permit. The height of a retaining wall shall be the sum of the heights of all retaining walls on the same slope.
1. Exception: This requirement shall not apply to any retaining wall that is intended to be dedicated to the municipality and is subject to regulation, inspection, and the issuance of bonds under Article 6, Subdivision and Site Plan Review and Approval, of the Municipal Land Use Law, P.L. 1975, c.291 (*N.J.S.A. 40:55D-37* et seq.).

* § 5:23-2.15 Construction permits--application

(a) The application for a permit shall be submitted on the standard Construction Permit Application form prescribed by the Commissioner at *N.J.A.C. 5:23-4.5(b)2* and shall be accompanied by the required fee, as provided for in this subchapter and *N.J.A.C. 5:23-4*. The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and all portions of the site or lot not covered by the building or structure, and such additional information as may be required by the construction official, which shall include, but not be limited to, the following:

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1. The name and address of the owner: Where the owner is not a resident of the State, he shall designate a resident as agent for the purpose of service of any notices or orders which may be necessary. Such address shall not be limited to a post office box, but shall specify a physical location where such owner or agent may be found during normal business hours. Where the owner is a corporation, partnership or other business entity, the application shall indicate the names and addresses of the officers, or other responsible persons upon whom service may be made;

2. The street address and lot and block number of the property upon which the building or structure is proposed to be erected;

3. A description of the proposed work, including the use group classification, proposed construction type, lot ground coverage in square feet, total floor area in square feet, total building or structure volume in cubic feet, the total number of plumbing fixtures, the total number of electrical fixtures, outlets and major appliances, a description of the type of heating system, the source of water supply, the mode of sanitary waste disposal and a listing of any special, unusual or hazardous facilities proposed for inclusion in the building or structure;

4. The estimated cost of the work for which a permit is sought, including but not limited to building construction, on-site construction, and all integral equipment, built-in furnishings and finishes. Where any material or labor proposed for installation in the building or structure is furnished or provided at no cost, its normal or usual cost shall be included in the estimated cost;

5. A statement that all required State, county and local prior approvals have been given, including such certification as the construction official may require;

6. For Class I structures, a list of all materials and work requiring special inspections, and a list of agencies, qualified licensed professionals or firms intended to be retained for conducting those inspections in accordance with the requirements of the building subcode;

7. If the work involves lead abatement, the applicant shall provide the following:

i. A copy of the scope of work which shall describe precisely the location and extent of the work;

ii. A sketch plan showing the locations where abatement work is to be performed and showing emergency egress routes for any occupants to be in the building during abatement;

iii. A record of all materials to be used for all phases of the job, including encapsulants, enclosures, containment materials and replacement components, as appropriate;

iv. A copy of the lead evaluation report, if any has been done, prepared by a business firm certified by the Department pursuant to *N.J.A.C. 5:17* to do lead evaluation; and

v. The degree to which any lead hazard identified in any report prepared by a lead evaluation firm certified by the Department will be abated; and

8. If the work involves reconstruction, an identification of the work area, except where plans are filed with the application, in which case the work area shall be delineated on the plans.

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(b) In addition, the following information shall be required on any application for a construction permit when such information is available, but not later than the commencement of work.

1. The names and addresses of all contractors engaged or planned for engagement by the owner in the execution of the work.

i. A current validated State builder registration card shall be shown by the contractor and the registration number of the contractor shall be recorded on the permit, pursuant to the New Home Warranty and Builder's Registration Act (*N.J.S.A. 46:3B-1 et seq.*), if the project is a one or two family dwelling, condominium or cooperative, unless it is to be built in whole or in part by an owner, in which case an affidavit shall be filed by the owner on a form prescribed by the Department of Community Affairs, in which he acknowledges that work done by him, or by a subcontractor working under his supervision, is not covered under the New Home Warranty and Builders' Registration Act and states that he will disclose this information to any person purchasing the property from him within 10 years of the date of issuance of a certificate of occupancy.

2. The name and license number of the contractor or subcontractor for plumbing and for electrical work where such work is proposed.

i. Plumbing and electrical work shall not be undertaken except by persons licensed to perform such work pursuant to law, except in the case of a single family homeowner on his own dwelling.

ii. The seal and signature of the licensed plumbing and electrical contractor shall be affixed to the corresponding subcode application form.

3. The name and address of the responsible person who will be in charge of the work and who is responsible to the owner for ensuring that all work is installed and completed in conformity with the regulations. The person may be the design architect or engineer, the contractor or a third party acceptable to the construction official.

4. If the work involves lead abatement, one of the following shall be supplied:

i. The name and Department certification number issued pursuant to *N.J.A.C. 5:17* of any business firm undertaking the lead abatement; or

ii. If the work is to be done by employees of the owner of the property, the name and New Jersey Department of Health certification number issued pursuant to *N.J.A.C. 8:62* of each such employee; or

iii. If the work is to be done on an owner-occupied single family dwelling, a certification by the owner stating that he or she owns and occupies the property as a principal place of residence, will be performing the abatement work, and has received the written information for homeowners prepared by the Department explaining the danger of improper lead abatement, procedures for conducting safe lead abatement, and the availability of certified lead abatement contractors or of any available training for homeowners.

5. If the work involves fire protection equipment, any contractor performing such work shall have the appropriate certification issued pursuant to *N.J.S.A. 52:27D-25n et seq.* The certification number of the contractor shall appear on the permit application.

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i. Exception: Certification shall not be required for licensed electrical contractors or for licensed alarm contractors installing fire alarms.

ii. Exception: Certification shall not be required for homeowners performing work within their residences.

iii. Exception: Certification shall not be required for in-house employees performing routine maintenance work, inspections, or testing of fire protection equipment.

iv. Exception: Certification shall not be required for contractors who install water supply lines outside a building.

6. If the work involves a landscape irrigation system, any contractor performing such work shall be certified pursuant to the Landscape Irrigation Contractors Certification Act, *N.J.S.A. 45:5AA-1* et seq. The seal and signature of the certified contractor shall be affixed to the permit application.

i. Exception: Certification shall not be required for public employees performing work on property of the public entity, for vendors of landscape irrigation components, materials or equipment delivering, rendering advice or assistance or performing normal warranty service for such equipment, for contractors installing or performing work on irrigation equipment to be used solely for agricultural purposes or for licensed plumbing contractors.

ii. Exception: Certification shall not be required for homeowners performing work on landscape irrigation systems on their own properties.

7. If the work involves a burglar alarm, fire alarm, or electronic security system, any contractor performing such work shall be licensed pursuant to *N.J.S.A. 45:5A-18* et seq. The license number of the contractor shall appear on the permit application.

i. Exception: Licensure shall not be required for telephone utility or cable television companies regulated by the Board of Public Utilities or for licensed electrical contractors.

ii. Exception: Licensure shall not be required for homeowners performing work on burglar alarms, fire alarms, or electronic security systems in their own homes.

8. If work involves a home improvement performed by a contractor, such contractor shall be registered pursuant to *N.J.S.A. 56:8-136* et seq. The registration number of the contractor shall appear on the permit application. No number shall be required to be provided by any person performing a home improvement who is not required to be registered, in accordance with (b)8ii, iii, v, vi or viii below. The appropriate license, registration or certification number and documentation shall be provided by any person exempt from registration as a contractor pursuant to (b)8iv or vii below.

i. For purposes of this paragraph, "home improvement" shall mean and include any work subject to the code that involves the reconstruction, alteration, renovation, repair or demolition of the whole or any part of any building in Group R-2, R-3, R-4 or R-5, or in any building or structure appurtenant thereto, or the conversion of an existing building in another group into a building in Group R-2, R-3, R-4 or R-5;

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ii. Exception: Registration shall not be required for any person performing a home improvement upon a building or structure in Group R-2, R-3, R-4 or R-5 owned by that person, or by a member of that person's immediate family;

iii. Exception: Registration shall not be required for any person performing a home improvement, without any charge for his or her services, upon a residential or non-commercial property owned by a bona fide charity or other non-profit organization;

iv. Exception: Registration shall not be required for any person regulated by the State as an architect, professional engineer, landscape architect, land surveyor, electrical contractor, master plumber, locksmith, burglar alarm business, fire alarm business, liquefied petroleum gas marketer, lead evaluation or abatement contractor or asbestos abatement contractor, or any other person in any other related profession requiring registration, certification or licensure by the State of New Jersey, who is acting within the scope of practice of that profession;

v. Exception: Registration shall not be required for any person employed by a community association or cooperative corporation or by a landlord who is making home improvements within the person's scope of employment at the residential or non-commercial property that is owned or leased by the community association or cooperative corporation or landlord;

vi. Exception: Registration shall not be required for any public utility, as defined under *N.J.S.A. 48:2-13*;

vii. Exception: Registration shall not be required for any person licensed as a home financing agency, a home repair contractor or a home repair salesman pursuant to *N.J.S.A. 17:16C-77*, provided that the person is acting within the scope of such license, and provided that such license number shall appear on the permit application;

viii. Exception: Registration shall not be required for any home improvement retailer with a net worth of more than \$ 50,000,000 or any employee of such home improvement retailer who is making or selling such home improvements within the person's scope of employment by the home improvement retailer. This exception shall not apply to persons working as subcontractors for any such home improvement retailer.

9. Contractors who are not subject to State licensing, registration or certification shall be subject to any applicable licensing, registration or certification requirement established by municipal ordinance. Any municipal license, registration or certification number issued to any such contractor shall be included in any application for a construction permit for work to be done by such contractor.

10. In the event of any change of contractor or person in charge of work under (b)1 through 9 above, such change shall be filed as an amendment to the application.

(c) A separate application and permit shall be required for each building.

(d) Application for a permit shall be made by the owner, or his agent, a licensed engineer, architect or plumbing, electrical or other contractor employed in connection with the proposed work. If the application is by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the authorized person making the application, that the proposed work is

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authorized by the owner in fee, and that the applicant is authorized to make such application. All issued permits shall remain the property of the owner even if the application was made by a contractor or authorized agent.

(e) Construction permits for individual tenant spaces in multi-tenant buildings shall be issued pursuant to *N.J.A.C. 5:23-2.23A*.

(f) Plans, plan review, plan release:

1. Plans and specifications: The application for the permit shall be accompanied by no fewer than two copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Plans submitted shall be required to show only such detail and include only such information as shall be necessary to demonstrate compliance with the requirements of the code and these regulations or to facilitate inspections for code conformity. When quality of materials is essential for conformity to the regulations, specific information shall be given to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

i. Site diagram: There shall also be filed a site plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades; accessible route(s) for buildings required by *N.J.A.C. 5:23-7.1* to be accessible; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show all construction to be demolished and the location and size of all existing structures and construction that are to remain on the site or plot.

(1) Where any of the conditions in (f)1i(1)(A) through (C) below are met, a plan shall be submitted to the Construction Official detailing the manner in which the adjoining property will be protected. The Construction Official is authorized to utilize special technical services as per *N.J.A.C. 5:23-2.19*. No permit shall be issued until such plan has been filed.

(A) The foundation for the new building is immediately adjacent to an existing foundation, such that the existing foundation may be impacted by the construction work being performed;

(B) The footing for the new building is higher or lower than the footing for an existing building and the distance between the edges of the footings is equal to or less than the distance between the bottoms of the footings; or

(C) The new building roof is higher than the building roof on the adjoining property and the building roof of the adjoining property is a flat, hip or gable roofs with a slope of less than 70 degrees and the roof of the adjoining property is located 20 or fewer feet from the face of the new building.

ii. Building plans and specifications shall contain the following information:

(1) Foundation, floor, roof and structural plans;

(A) For buildings with roof or other truss systems, a truss layout and permanent truss bracing plan shall be submitted. This plan shall show all the permanent lateral and other bracing locations for individual truss members as well as the connections between the truss system and other

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components of the structural system necessary for the permanent lateral bracing of the entire structural system.

(2) Door, window and finish schedules; and

(3) Sections, details, connections and material designations.

iii. Electrical plans and specifications shall contain: Floor and ceiling plans; lighting, receptacles, motors and equipment; service entry location, line diagram and wire, conduit and breaker sizes.

iv. Plumbing plans and specifications shall contain: Floor plan; fixtures, pipe sizes and other equipment and materials; isometric with pipe sizes, fixture schedule and sewage disposal.

v. Mechanical plans and specifications shall contain: Floor or ceiling plans; equipment, distribution location, size and flow; location of dampers and safeguards; and all materials.

vi. Energy calculations: Calculations showing compliance with the energy subcode shall be submitted for all new buildings and additions to existing buildings. As provided in (f)1vii below, these calculations shall be signed and sealed by the design professional, with the exception of calculations for class III structures which may be submitted by the mechanical contractor.

(1) For detached one-and two-family residential buildings and other residential buildings three stories or less in height, compliance may be demonstrated by the submission of Energy Star compliance documentation, the submission of printouts from software recognized by the Department, such as REScheck, or conforming with the prescriptive packages described in Bulletin 07-2. REScheck software is available from the Department of Community Affairs, Division of Codes and Standards at www.nj.gov/dca/codes or from the U.S. Department of Energy at www.energycodes.gov.

(A) To document compliance using REScheck, users shall exceed the IECC/2003 by two percent or more. Please see Bulletin 07-2 for further guidance.

(2) For all other buildings, compliance may be shown with the COMcheck compliance software or equivalent, submission of the compliance forms found in the COMcheck user's manual or the ASHRAE 90.1 user's manual for the edition of ASHRAE adopted under the energy subcode. The COMcheck user's manual and software are available from the U.S. Department of Energy at www.energycodes.gov. The ASHRAE 90.1 user's manual is available from the American Society of Heating and Refrigerating and Air-conditioning Engineers Inc. at www.ashrae.org.

(A) To document compliance using COMcheck, users shall meet or exceed the ASHRAE/2004. Please see Bulletin 07-2 for further guidance.

vii. Engineering details and specifications: The construction official and appropriate subcode official may require adequate details of structural, mechanical, plumbing and electrical work, including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the seal and signature of the licensed engineer or registered architect responsible for the design. Plans for buildings shall indicate how required

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structural and fire-resistance rating will be maintained for penetrations made for electrical, mechanical, plumbing and communication conduits, pipes and systems.

(1) Plumbing plans for class III structures may be prepared by persons licensed pursuant to "The Master Plumber Licensing Act", *N.J.S.A. 45:14C-1* et seq. Electrical plans for class III structures may be prepared by persons licensed pursuant to "The Electrical Contractors Licensing Act", *N.J.S.A. 45:5A-1* et seq.;

(2) Whenever the licensing board pursuant to either of the above Acts shall provide for a seal evidencing that the holder is licensed, such shall be acceptable to the enforcing agency in lieu of affidavit;

(3) Mechanical plans for class III structures may be prepared by mechanical contractors.

viii. Work area: For reconstruction work in an existing structure, the work area shall be clearly delineated on the plans.

ix. Architect's or engineer's seal: The seal and signature of the registered architect or licensed engineer who prepared the plans shall be affixed to each sheet of each copy of the plans submitted and on the first or title sheet of the specifications and any additional supportive information submitted. The construction official shall waive the requirement for sealed plans in the case of a single family home owner who had prepared his or her own plans for the construction, addition, reconstruction, alteration, renovation or repair of a detached structure used or intended to be used exclusively as his or her private residence providing that the owner shall submit an affidavit attesting to the fact that he or she has personally prepared the plans and provided further that said plans are in the opinion of the construction official, and appropriate subcode official, legible and complete for purposes of ensuring compliance with the regulations.

x. The construction official upon the advice of the appropriate subcode official may waive the requirement for plans when the work is of a minor nature.

xi. Those portions of the plans that are required to be submitted and which are not included at the time of application shall be listed by the design professional as part of the application.

(1) All documents prepared by people other than the design professional shall be reviewed by the design professional and submitted with a letter indicating that they have been reviewed and found to be in conformance with the regulations for the design of the building.

xii. Building, electrical, plumbing and mechanical work required to be shown may be shown on a single set of plans or a single drawing so long as the drawings are clear and legible.

2. Prototype plan filing: Where a design is used repeatedly at different locations in a municipality or throughout the State, the plans and specifications may be submitted for "prototype" release and filed as follows:

i. Two complete sets of the plans and specifications for each prototype shall be submitted with a request for prototype plan release. The plans and specifications shall be signed and sealed by a licensed or registered design professional. The plans and specifications will be stamped as released and the plan number and date will be recorded with the prototype release so that

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prototype plan release may be confirmed for any subsequent use of the released prototype plans. Mirror-image designs shall not be a permitted option, and shall require separate prototype plan release, except for plans that are validated as identical to the original prototype, as provided in (f)2i(1) below. Prototype applications that include a foundation design shall specify the conditions and limitations of that design;

(1) Plans for a mirror-image design may be submitted with a letter signed and sealed by the design professional stating that the mirror-image design is identical to the original prototype, but reversed;

ii. Permit applications that rely on a released prototype shall consist of two copies of the following permit-specific documents to facilitate a thorough field inspection of the work. (As per *N.J.A.C. 5:23-2.16(e)*, one set of the released plans shall be retained by the construction official and the second set shall be kept at the building site.)

(1) A plot plan that is signed and sealed by a registered architect, licensed professional engineer, or licensed land surveyor that includes the location of all utility services, including septic connections;

(2) A specific foundation design or certification that the prototype foundation design is suitable for the site;

(3) A reference set of plans that includes and clearly identifies each of the options to be used for the building that is the subject of the permit application. The reference set of plans is not required to be signed and sealed;

(4) Exterior elevations of the specific building;

(5) The prototype file identification number;

(6) The plan number and date of the released prototype plan; and

(7) When an automatic fire sprinkler system is installed, the fire sprinkler system demand, including either hose stream allowances or the required domestic demand, as applicable, at the available water supply shall be documented.

iii. Plans that contain deviations that were not released as part of the prototype shall not be considered a prototype and shall require the submission of a new permit application and application fees for that project to the appropriate plan review agency.

3. Examination of plans: All plans submitted and any amendments thereto accompanied by the required documentation and application, and upon payment of the fee established by the enforcing agency, shall be numbered, docketed and examined promptly after their submission for compliance with the provisions of the regulations.

4. Plan review:

i. Department review: When a review and release of plans by the Department is required pursuant to *N.J.A.C. 5:23-3.11* or requested for a prototype plan intended for use Statewide, the owner or agent of the owner shall file an application for construction plan release for each project,

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along with three sets of plans (two sets for prototypes), specifications and such other supporting information as the Department may require on forms obtained from the Department. The plans, specifications and other supporting information shall conform to the requirements of (e) above.

(1) Release of plans: Plans complying with the provisions of the regulations shall be released by the Department and written notice of approval shall be given the applicant promptly and no later than 20 business days after the submission thereof. Plans failing to comply with the provisions of the code shall be rejected and a written notice of rejection, stating the grounds for rejection, shall be given to the applicant not later than 20 business days after the submission thereof. Whenever plans have been rejected and are thereafter revised and resubmitted, the revised plans shall be released if the grounds for rejection have been corrected and code compliance has been demonstrated. In that case, a written notice of release shall be given to the applicant not later than seven business days after the resubmission of the revised plans. When the grounds for rejection have not been corrected or when code compliance has not been demonstrated, a written notice of rejection stating the grounds for rejection shall be given to the applicant not later than seven business days after the resubmission of the revised plans.

(2) Endorsement of released plans: All plans and amendments thereto, when approved by the department, shall be stamped or endorsed "released", followed by a notation of the date of plan release. One set of such released plans shall be retained by the department, two sets of such released plans shall be submitted to the local enforcing agency with the application for construction permit as herein provided.

(3) Partial filing: When circumstances require, a project may be filed in part (that is, footings, structural, electrical, plumbing, and so forth). Each partial submittal shall include sufficient detail to assure that the proposed portion of work complies with the regulations. A plan "release" for such a portion of work shall be issued without prejudice as to whether a "release" shall be issued for the entire project.

(4) Construction permits: Owners and their agents shall not apply to a local enforcing agency for a construction permit for any building or structure for which a Department plan review and release is required by N.J.A.C. 5:23-3, unless such review and release has been applied for and received by the applicant as evidenced by presentation of released plans to the local enforcing agency.

(5) Time limitation of application: An application for a plan review shall be deemed to have been abandoned 12 months after date of filing, unless such application has been diligently prosecuted or a release has been issued; except that, for reasonable cause, the Department may grant one or more extensions of time for additional periods not exceeding 90 days each.

(A) When plans are submitted for local review that are required to be reviewed by the Department, the local enforcing agency shall so notify the owner or agent in writing no later than three business days after the submission of the plans.

ii. Local enforcing agency plan review: Where a Department plan review is not required by the regulations, an applicant for a construction permit shall be deemed to have applied for a local enforcing agency plan review by filing an application for a construction permit.

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(1) If required State, county or local prior approvals have not been granted, plan review shall proceed provided that the application for a permit is otherwise complete and the plan review fee has been paid. No permit shall be issued until all required State, county and local approvals are in place.

(A) Exception: Permit applicants applying for plan review of individual owner-occupied one- or two family home addition or alteration projects must have zoning approval in place before plan review shall proceed.

(2) When the plans submitted with an application for a construction permit or amendment thereto are accompanied by plans which have been released by the Department, then further municipal plan review and fee therefor shall not be required. Release of the plans by the Department shall not prevent enforcing agency officials from thereafter requiring correction of any errors in said plans or from issuing a stop work order when in violation of the regulations. In such case the enforcing agency shall notify the Department;

iii. Validity of plan or prototype release: The released plans or prototype (Department or local) shall be valid for the purposes of applying for a construction permit until six months after the operative date of the next edition of the code, as set forth in *N.J.A.C. 5:23-1.6*.

iv. Time limitation of application: An application for a permit for any proposed work shall be deemed to have been abandoned six months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the construction official may grant one or more extensions of time for additional periods not exceeding 90 days each.

v. Amended plans and specifications: Amendments may be filed at any time; such amendments shall be deemed part of the original application and, when released, shall be filed therewith. Amended plans and specifications shall be required where deviations affect matters controlled by the code and, in the judgment of the subcode official having jurisdiction, such amended plans are necessary to assist in the determination of code compliance. The official may require the affected portions of the work to be halted until amended plans and specifications are released. If the amendment involves a substantial deviation from the original application, a new affidavit of consent may be required by the construction official. If a Department plan review was required originally, the enforcing agency shall not permit an amendment to the plans or specifications unless the amendment has been released by the Department.

vi. Building systems: Structural, electrical and mechanical designs performed and certified by licensed architects or engineers need not be checked in detail by the staff of the enforcing agency, but shall remain as the responsibility of the professional certifying such design.

vii. A schematic or sketch plan, when required pursuant to this subsection, shall not be deemed to be a construction copy of a plan and shall therefore not be required to be signed or sealed by a registered architect or licensed professional engineer.